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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF OHIO
3 WESTERN DIVISION

4 * * *

5 HOBART CORPORATION, et al. ,

6 Plaintiffs,

7 vs. CASE NO. 3:13-cv-00115-WHR

8 THE DAYTON POWER AND

9 LIGHT COMPANY, et al. ,

10 Defendants.

11 * * *

12 Deposition of WILLIAM B. FLECKENSTEIN,

13 Witness herein, called by the Plaintiffs for

14 cross-examination pursuant to the Rules of Civil

15 Procedure, taken before me, Michelle A. Elam, a

16 Notary Public in and for the State of Ohio, at the

17 offices of Sebaly, Shillito + Dyer, 1900 Kettering

18 Tower, 40 North Main Street, Dayton, Ohio, on

19 Tuesday, the 17th day of September, 2013, at 12:31

20 p.m.

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1	EXAMINATIONS	CONDUCTED	PAGE
2	BY MR. SILVER:		6
3	BY MR. MERRILL:		75

5	EXHIBITS	MARKED	PAGE
6	(Thereupon, Fleckenstein Exhibit		16
7	Number 1 was marked for purposes of		
8	identification.)		
9	(Thereupon, Fleckenstein Exhibit		17
10	Number 2 was marked for purposes of		
11	identification.)		

1 APPEARANCES:

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13 On behalf of the Defendant The Dayton Power
and Light Company:

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1 APPEARANCES: (Cont'd.)

2 ALSO PRESENT:

3 Jennifer Meyer
4 Nancy Fleckenstein

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1 WILLIAM B. FLECKENSTEIN
2 of lawful age, Witness herein, having been first
3 duly cautioned and sworn, as hereinafter
4 certified, was examined and said as follows:

5 CROSS-EXAMINATION

12:31:45 6 BY MR. SILVER:

12:31:45 7 Q. Mr. Fleckenstein , I'm going to try
12:31:50 8 to speak up for you .

12:31:52 9 A. Fleckenstein .

12:31:55 10 Q. I think you're hearing pretty
12:31:58 11 well .

12:31:59 12 A. Okay .

12:31:59 13 Q. Can you state your full name for
12:32:01 14 the record , please ?

12:32:02 15 A. William B. Fleckenstein .

12:32:05 16 Q. And what about your address ?
12:32:09 17 What's your address ?

12:32:10 18 A. 194 North Bickett Road.

12:32:13 19 Q. In what town , please ?

12:32:15 20 A. In Xenia .

12:32:16 21 Q. Ohio ?

12:32:18 22 A. Ohio . Yes .

12:32:19 23 Q. And what is your date of birth ?

12:32:25 24 A. 8-15-31 .

12:32:27 25 Q. And that would make you recently

12:32:34 1 eight y-two years young , right ?

12:32:37 2 A. Yes, sir .

12:32:37 3 Q. All right . Well , what's going to

12:32:39 4 happen today is I'm going to ask you some

12:32:45 5 questions , and it's going to be a

12:32:47 6 question -and-answer period . I represent three

12:32:50 7 companies that are NCR Corporation , Hobart , and

12:32:56 8 Kelsey Hays that are doing an environmental

12:32:59 9 cleanup at the South Dayton dump and landfill .

12:33:03 10 Have you ever heard of the South

12:33:05 11 Dayton dump and landfill ?

12:33:06 12 A. Yes, sir .

12:33:07 13 Q. And the other parties here are

12:33:11 14 parties we've included in some litigation with

12:33:15 15 the intention of trying to get them to help us

12:33:20 16 pay for the study and the remediation of the

12:33:23 17 South Dayton dump and landfill .

12:33:26 18 Do you understand what I just

12:33:27 19 said ?

12:33:27 20 A. Yes, sir .

12:33:28 21 Q. Thank you . So what's going to

12:33:31 22 happen today is I'm going to ask you some

12:33:33 23 questions , and it will be a question -and-answer

12:33:37 24 period . Some of the other attorneys may also

12:33:40 25 ask you questions . I don't expect this is

12:33:42 1 going to go on for more than two or three
12:33:46 2 hours , and then we'll -- then you're going to
12:33:49 3 be free to go .

12:33:50 4 And during the time we're here , if
12:33:52 5 you need a break for any reason or your wife Nancy
12:33:56 6 thinks we should take a break , please just signal
12:33:59 7 and we can take a five - or ten - minute break or
12:34:02 8 whatever amount of time is needed .

12:34:04 9 Do you understand me so far ?

12:34:05 10 A. So far .

12:34:06 11 Q. And I'm speaking loud enough ?

12:34:09 12 A. It could be a little louder .

12:34:11 13 Q. I'll try . All right . Have you
12:34:14 14 ever had your deposition taken before ?

12:34:16 15 A. At home .

12:34:18 16 Q. In another case ?

12:34:21 17 A. I don't remember everything about
12:34:24 18 it , though .

12:34:24 19 Q. Somebody -- a lawyer was asking
12:34:27 20 you questions ?

12:34:28 21 A. I don't know if it was a lawyer .

12:34:30 22 Q. Uh-huh . Do you know what the --
12:34:32 23 was it just an interview , perhaps ? Maybe just
12:34:36 24 an interview ? Was there a court reporter
12:34:38 25 taking everything down ?

12:34:39 1 A. Just an interview that -- I don't
12:34:43 2 remember exactly how long it took , but asked me
12:34:49 3 questions about what's -- what I know about
12:34:52 4 what they dumped over there .

12:34:54 5 Q. Sure . Okay . All right . Have you
12:34:57 6 ever testified in court before ?

12:34:58 7 A. No, sir .

12:34:59 8 Q. All right . Well , I just want to
12:35:02 9 give you a couple of simple instructions . The
12:35:06 10 first is , if you don't hear my question -- this
12:35:08 11 is an important one . If you don't hear my
12:35:11 12 question , just ask me to repeat it .

12:35:13 13 A. Okay .

12:35:14 14 Q. And the second is if you don't
12:35:17 15 understand my question , ask me to rephrase it
12:35:20 16 just so you'll understand what I'm asking .

12:35:23 17 A. Okay .

12:35:23 18 Q. The third important instruction
12:35:27 19 is -- and I don't think this is going to be a
12:35:29 20 problem -- but wait until I finish the whole
12:35:32 21 question before you answer because she needs to
12:35:36 22 be able to get everything down .

12:35:38 23 A. Okay .

12:35:38 24 Q. You got that ?

12:35:39 25 A. I hope so .

12:35:40 1 Q. Me, too. All right. I think
12:35:49 2 we're ready to go.

12:35:51 3 Now, were you born in Ohio?

12:35:53 4 A. Yes.

12:35:54 5 Q. Where in Ohio?

12:35:55 6 A. In the Dayton area.

12:35:57 7 Q. And you grew up here?

12:35:59 8 A. Yes, sir.

12:35:59 9 Q. School here?

12:36:01 10 A. Yes, sir.

12:36:02 11 Q. Where did you go to school?

12:36:04 12 A. Our Lady of the Rosary did grade
12:36:08 13 school and Chaminade for two years.

12:36:11 14 Q. Chaminade.

12:36:13 15 A. Yeah.

12:36:13 16 Q. And then did you go to work after
12:36:14 17 you left Chaminade?

12:36:16 18 A. I worked for my father.

12:36:18 19 Q. What did he do?

12:36:19 20 A. He was in the poultry business.

12:36:22 21 Q. Oh, okay. Right in the Dayton
12:36:24 22 area, I take it --

12:36:25 23 A. Yes, sir.

12:36:26 24 Q. -- where you lived?

12:36:27 25 A. Third and Broadway. We had a

12:36:34 1 business at home on North Dixie , 5430 North
12:36:40 2 Dixie Drive .

12:36:40 3 Q. How long did you work with your
12:36:42 4 father ?

12:36:42 5 A. Until I went in the military . I
12:36:44 6 was twenty -- twenty-three , I believe .

12:36:47 7 Q. So that would have been in 1954
12:36:53 8 you went into the military ?

12:36:55 9 A. No . I'm sorry . '52 . I got out
12:36:58 10 in '54 .

12:37:01 11 Q. Okay .

12:37:02 12 A. I'm sorry . It's a little hard for
12:37:04 13 me to remember all these years .

12:37:05 14 Q. You're doing pretty good . What
12:37:07 15 branch of the military ?

12:37:08 16 A. Marine Corps .

12:37:09 17 Q. And where were you stationed ?

12:37:11 18 A. San Diego and Japan .

12:37:14 19 Q. Where at in Japan ?

12:37:20 20 A. Right on the base at Mt. Fuji .

12:37:24 21 Q. Came back to Dayton ?

12:37:27 22 A. Yes .

12:37:27 23 Q. And did you then find a job ?

12:37:29 24 A. Yes .

12:37:33 25 Q. Did you go back to work with your

12:37:35 1 dad first ?

12:37:36 2 A. No. Well , for a little while .

12:37:39 3 But Dayton Power and Light after that . No ,

12:37:44 4 excuse me . I worked for 7-Up B ottling C ompany.

12:37:50 5 Q. 7-Up ?

12:37:51 6 A. Yeah , for a few years . And then

12:37:54 7 DP&L .

12:37:55 8 Q. What did you do for the Dayton --

12:37:57 9 for 7-Up ?

12:37:58 10 A. I'm sorry ? 7-Up ? Delivered --

12:38:03 11 Q. You delivered ?

12:38:04 12 A. -- beverage .

12:38:06 13 Q. Did you drive the truck ?

12:38:07 14 A. Yes, sir .

12:38:08 15 Q. And you did that for what , how

12:38:11 16 many years would you say ?

12:38:11 17 A. Oh, I'd say about a year .

12:38:13 18 Q. So when did you get married ?

12:38:15 19 A. Oh, you're asking a bad question .

12:38:19 20 Q. That means you didn't prepare for

12:38:21 21 this , did you ?

12:38:23 22 A. No. I didn't . What year ?

12:38:28 23 MRS. FLECKENSTEIN: May 26 , 1956 .

12:38:32 24 Q. All right . I'm going to write

12:38:35 25 this down for you and hand it to you . 1956 ,

12:38:39 1 huh?

12:38:39 2 A. Yes .

12:38:40 3 Q. And I take it you've been married
12:38:42 4 ever since ?

12:38:43 5 A. Yes .

12:38:44 6 Q. And where did you meet Nancy ?

12:38:47 7 A. Let's see . I'll forget . Oh, I
12:38:50 8 was going with another girl .

12:38:53 9 Q. Leave that off the record .

12:38:56 10 A. I was going with another girl .
12:38:59 11 They were buddies , the other girl and Nancy
12:39:01 12 were buddies , and the other girl went to
12:39:03 13 Florida and I stayed here .

12:39:05 14 Q. Her mistake .

12:39:10 15 A. Well , I don't know about that . I
12:39:12 16 got a good one right here .

12:39:14 17 Q. Hold on a second . I just want to
12:39:21 18 make sure I don't get any interruptions .

12:39:21 19 (Pause in proceedings.)

12:39:25 20 Q. Okay . You worked at 7-Up for
12:39:27 21 about a year ?

12:39:28 22 A. I think it was a year , maybe a
12:39:31 23 little longer , but I can't recall .

12:39:32 24 Q. And then you applied for a job
12:39:35 25 with Dayton Power and Light?

12:39:37 1 A. Dayton Power and Light , yes .

12:39:39 2 Q. And they hired you ?

12:39:40 3 A. Yes, sir .

12:39:40 4 Q. Now , that would have been , say ,
12:39:44 5 around 1955 , before you got married ?

12:39:46 6 A. Yeah . That's pretty close .

12:39:47 7 Q. Now , where did you start working
12:39:52 8 at Dayton Power and Light ?

12:39:54 9 A. '55 . I forget exactly .

12:40:01 10 Q. Do you remember which location ?

12:40:03 11 A. What location ?

12:40:04 12 Q. Yeah . For Dayton Power and Light .

12:40:07 13 A. Yeah . It was on Monument Street .

12:40:09 14 Q. And what did you do for them on
12:40:12 15 Monument Street when you started working ?

12:40:14 16 A. Worked as a laborer and then I got
12:40:22 17 a -- what they called helper first class , which
12:40:24 18 was truck driver .

12:40:26 19 Q. Uh-huh .

12:40:27 20 A. And I did operate some machinery ,
12:40:32 21 bulldoze rs , overhead -- crane , mobile crane .
12:40:40 22 That's about it . Setting poles and digging ,
12:40:44 23 digging holes by hand .

12:40:46 24 Q. Do you remember the department you
12:40:47 25 were in when you started ?

12:40:48 1 A. It was overhead line department .

12:40:50 2 Q. Out of Monument Road ?

12:40:52 3 A. Yes .

12:40:53 4 Q. Did , at some point , you get
12:40:55 5 transferred to another location ?

12:40:59 6 A. Then I put in an application for
12:41:10 7 substation . Electric construction .

12:41:14 8 Q. The electric construction
12:41:15 9 department ?

12:41:16 10 A. Yes . Yes .

12:41:17 11 Q. Uh-huh . And did you get accepted ?

12:41:19 12 A. Sir ?

12:41:20 13 Q. Did you get accepted into that ?

12:41:21 14 A. Oh, yes . Yes .

12:41:23 15 Q. And what happened then ? Were you
12:41:24 16 still working out of --

12:41:26 17 A. Go around and build substations
12:41:29 18 around the Dayton Power and Light system .

12:41:31 19 Q. What was your home base ?

12:41:35 20 A. Dayton .

12:41:35 21 Q. Which facility ?

12:41:36 22 A. I'm sorry ?

12:41:38 23 Q. Which facility was your home base ?

12:41:41 24 A. South Broad way .

12:41:42 25 Q. So you moved from Monument Road to

12:41:45 1 South Broad way ?

12:41:46 2 A. Well , when they moved out of the
12:41:47 3 building and they moved to Broadway , they built
12:41:50 4 a new building there . They moved everybody
12:41:53 5 down there .

12:41:55 6 Q. So you moved from Monument Road to
12:41:57 7 South Broad way --

12:41:58 8 A. On Dryden Road , I believe it --
12:42:01 9 not Dryden Road . South Broadway .

12:42:09 10 Q. Right . And did they change that
12:42:12 11 name eventually to Dryden Road ?

12:42:13 12 A. Well , Dryden Road , they had a gate
12:42:15 13 off of Dryden and it went into the south --
12:42:22 14 south of the building .

12:42:23 15 Q. Okay . Let's show you a diagram .
12:42:30 16 We're going to mark this as Fleckenstein
12:42:56 17 Exhibit Number 1 .

12:42:56 18 (Thereupon, Fleckenstein Exhibit
12:42:56 19 Number 1 was marked for purposes of
12:43:02 20 identification.)

12:43:02 21 Q. Bill , we were just looking at this
12:43:04 22 before the deposition . Do you recognize this
12:43:05 23 aerial photograph ?

12:43:06 24 A. Pretty much so . Yes, sir .

12:43:08 25 Q. All right . I want you to do a

12:43:11 1 little drawing on it.

12:43:14 2 A. I don't know about that. I'm not
12:43:17 3 much of an artist.

12:43:18 4 Q. Well, we're not going to be
12:43:21 5 judging you by your artwork. Here's a pen.
12:43:26 6 Can you mark --

12:43:29 7 MR. SILVER: And, Frank, if you want
12:43:30 8 to come over and look at this.

12:43:31 9 Q. Can you mark where the Dayton
12:43:34 10 Power and Light facility was?

12:43:36 11 A. (Witness complies with request.)
12:43:43 12 This is it right along in here (indicating).
12:43:47 13 I'm not -- no. I can't tell. Is this Broadway
12:43:51 14 here (indicating) or is this Broadway
12:43:54 15 (indicating)?

12:43:55 16 Q. Well, I can't testify for you.

12:43:59 17 A. You're not allowed to tell me.

12:44:00 18 Q. I can show you something that's a
12:44:03 19 little clearer, if you want me to, if you're
12:44:05 20 having trouble with that one. Okay. I'm
12:44:38 21 marking Fleckenstein Exhibit Number 2.

12:44:38 22 (Thereupon, Fleckenstein Exhibit
12:44:38 23 Number 2 was marked for purposes of
12:44:40 24 identification.)

12:44:40 25 Q. This is another aerial photograph.

12:44:42 1 Take a look at that and see if it helps you
12:44:44 2 locate what you're trying to locate .

12:45:15 3 (Pause in proceedings.)

12:45:15 4 Q. Bill , do you see in Exhibit 2
12:45:16 5 where --

12:45:17 6 A. East River Road .

12:45:18 7 Q. Right . Bill , do you see in
12:45:31 8 Exhibit 2 where Dryden Road is labeled ?

12:45:34 9 A. Yes . I see where Dryden Road is .

12:45:36 10 Q. Yes.

12:45:44 11 A. I believe this is it here
12:45:45 12 (indicating) , Dayton Power and Light.

12:45:48 13 Q. Where don't you write DP&L where
12:45:51 14 you think DP&L was .

12:45:57 15 A. (Witness complies with request.)

12:45:59 16 Q. Bill , do you -- have you ever
12:46:01 17 heard the term service building ?

12:46:03 18 A. I'm sorry ?

12:46:05 19 Q. Have you ever heard the term
12:46:07 20 service building ?

12:46:07 21 A. Yes . I -- there was a business
12:46:18 22 named Fleming that had trucks right across the
12:46:22 23 road from us .

12:46:22 24 Q. From the DP&L service building ?

12:46:25 25 A. Yeah . And then just south of that

12:46:29 1 was the entrance into the dump .

12:46:30 2 Q. What dump was this ?

12:46:32 3 A. I can tell you who owned it .

12:46:45 4 Q. Who owned it ?

12:46:46 5 A. A lawyer . I spoke too soon now .

12:46:54 6 Q. Take your time .

12:46:56 7 A. The fellow that stayed at the
12:47:01 8 dump , his name was Grillot .

12:47:02 9 Q. Do you recognize the name Lacine
12:47:12 10 Grillot ?

12:47:12 11 A. I just knew him by Grillot . I
12:47:15 12 didn't know anything else . And the other
12:47:18 13 fellow was a lawyer .

12:47:20 14 Q. We're going to have to take
12:47:28 15 Nancy 's deposition next .

12:47:31 16 A. His secretary stood up with my
12:47:34 17 wife and I while we got married . What the heck
12:47:37 18 was his name ?

12:47:38 19 Q. Do you remember the name Boesch,
12:47:43 20 B O E S C H ?

12:47:47 21 A. Oh, Mr. Boesch. I believe that's
12:47:51 22 his name .

12:47:51 23 Q. Do you remember the secretary 's
12:47:54 24 name who stood up with you for the wedding ? I
12:47:58 25 bet Nancy does .

12:47:59 1 A. Nancy does , but -- Treva .

12:48:09 2 MRS. FLECKENSTEIN: (Nods head up and
12:48:09 3 down.)

12:48:09 4 Q. Treva . Okay . She's nodding her
12:48:12 5 head yes .

12:48:13 6 A. That's about all I can tell you
12:48:14 7 for now .

12:48:15 8 Q. So you went to work at the DP&L
12:48:17 9 service building after the transfer from
12:48:19 10 Monument Road ; is that right ?

12:48:20 11 A. Yes .

12:48:21 12 Q. Okay . And --

12:48:24 13 A. The whole company moved --

12:48:26 14 Q. And you moved into a brand-new
12:48:28 15 building ?

12:48:28 16 A. Yes .

12:48:28 17 Q. Then how long did you work for
12:48:30 18 DP&L at the service building ?

12:48:32 19 A. Twenty-eight years .

12:48:36 20 Q. Did you retire from DP&L ?

12:48:39 21 A. No . I retired from DP&L in -- in
12:48:46 22 Wilmington . I was -- they had a big shake up ,
12:48:49 23 and I ended up down in Wilmington .

12:48:51 24 Q. Okay . Where is Wilming -- is it
12:48:54 25 called Port Wilmington , did you say , or Fort

12:48:57 1 Wilmington ? I didn't hear what you said .

12:49:00 2 A. No , Wilmington --

12:49:03 3 Q. Wilmington , Ohio ?

12:49:06 4 A. -- Ohio , yes .

12:49:07 5 Q. And what kind of facility is down
12:49:09 6 in Wilmington , Ohio ?

12:49:11 7 A. Mostly maintenance people , worked
12:49:14 8 on lines and when they still had gas at that
12:49:18 9 time . I worked in the gas division at
12:49:24 10 Wilmington .

12:49:25 11 Q. So when you -- just so I have it
12:49:29 12 straight , from -- you moved into the service
12:49:35 13 building on what is now Dryden Road when the
12:49:37 14 building opened ?

12:49:38 15 A. Dryden and South Broad way .

12:49:42 16 Q. South Broad way . Right . Did you
12:49:44 17 ever hear it called Springboro , that same road ?

12:49:48 18 A. Yeah . Springboro Pike . That
12:49:51 19 sounds right .

12:49:52 20 Q. Okay . So you moved into the
12:49:55 21 service building when it was brand-new .

12:49:57 22 A. Yes .

12:49:57 23 Q. And then you worked there for
12:49:59 24 another twenty-eight years ?

12:50:01 25 A. Yes . Twenty -- yeah , twenty-eight

12:50:04 1 years .

12:50:04 2 Q. And then you got transferred in a
12:50:06 3 shake up down to Wilmington ?

12:50:08 4 A. I got transferred when they had a
12:50:10 5 big blowup with certain people .

12:50:13 6 Q. It's all right . We won't get into
12:50:17 7 all that .

12:50:17 8 A. I won't get into all that .

12:50:19 9 Q. I'm not interested in that . I'm
12:50:22 10 more interested in when you worked at the
12:50:26 11 service building .

12:50:27 12 A. I ended up in the gas division in
12:50:30 13 Wilmington .

12:50:30 14 Q. How long of a drive is it down to
12:50:33 15 Wilmington ?

12:50:34 16 A. I'm sorry ?

12:50:34 17 Q. How long of a drive is it down to
12:50:37 18 Wilmington ?

12:50:37 19 A. Four years .

12:50:38 20 Q. Oh, you were there four years in
12:50:40 21 Wilmington ?

12:50:40 22 A. Yeah .

12:50:40 23 Q. When did you move out to Xenia ?

12:50:46 24 A. What is it , three or four years ?

12:50:50 25 MRS. FLECKENSTEIN: It was eight .

12:50:51 1 THE WITNESS: Eight years .

12:50:52 2 Q. And before that you lived in

12:50:53 3 Dayton ?

12:50:54 4 A. Fairborn .

12:50:55 5 Q. Fairborn . Okay . Okay . You're

12:50:59 6 doing great . All right .

12:51:05 7 So tell me where you were stationed

12:51:06 8 when you moved into the service building .

12:51:09 9 A. Where was I stationed ?

12:51:11 10 Q. Yeah . Within the building .

12:51:12 11 A. In the service ?

12:51:15 12 Q. In the service building .

12:51:17 13 A. California .

12:51:18 14 MRS. FLECKENSTEIN: No . You

12:51:20 15 misunderstood the question .

12:51:21 16 THE WITNESS: Yeah .

12:51:22 17 Q. I'll ask it again . When the

12:51:24 18 service building opened up in 1955 or '56 --

12:51:29 19 A. Yes .

12:51:29 20 Q. -- you got transferred down there

12:51:32 21 from Monument Road ?

12:51:33 22 A. Yes , from Monument.

12:51:35 23 Q. So where were you stationed at the

12:51:37 24 service building , your job station ?

12:51:39 25 A. Around the back of the building .

12:51:43 1 Q. Uh-huh . That's all right . Do you
12:51:45 2 remember what department that was ?

12:51:46 3 A. That was overhead line department .

12:51:48 4 Q. Overhead line department . Okay .

12:51:51 5 A. Yeah . Let's see . I worked
12:51:53 6 there -- I don't know how long . I forget . And
12:51:58 7 then when I transferred into electric
12:52:04 8 construction , it was toward the front of the
12:52:05 9 building or the roadway . I call that the
12:52:07 10 front .

12:52:08 11 Q. Along --

12:52:09 12 A. Where all the trucks parked .

12:52:12 13 Q. And you got transferred into which
12:52:14 14 department ?

12:52:15 15 A. Electric construction .

12:52:16 16 Q. Electric construction . And you
12:52:18 17 were located in the front of the building along
12:52:20 18 Broadway ?

12:52:21 19 A. Yeah .

12:52:22 20 Q. Along Broadway , right ?

12:52:24 21 A. Yes .

12:52:24 22 Q. All right . And how long -- how
12:52:27 23 long was it after you moved into the Broadway
12:52:32 24 service building did you get transferred into
12:52:36 25 this new department overhead --

12:52:41 1 A. How long ? I don't recall exactly
12:52:44 2 how long .

12:52:44 3 Q. A year or two ?

12:52:45 4 A. Oh, no . It was the next day or a
12:52:50 5 couple days after .

12:52:51 6 Q. I see .

12:52:53 7 A. I do believe that . I'm not
12:52:56 8 positive .

12:52:56 9 Q. That's all right . I'm just trying
12:52:58 10 to get the background here . So how long did
12:53:01 11 you work in electric construction ?

12:53:05 12 A. Four or five years . Something
12:53:18 13 like that .

12:53:18 14 Q. What did you do in electric
12:53:20 15 construction ?

12:53:20 16 A. Run a crane . Help construct the
12:53:28 17 steel with the crane and things like that .

12:53:33 18 Q. Did you run the crane right at the
12:53:35 19 service building area ?

12:53:36 20 A. No . It was all over the Dayton
12:53:41 21 Power and Light system .

12:53:42 22 Q. Were you building -- helping to
12:53:45 23 build things ?

12:53:45 24 A. I used to raise the iron up for
12:53:51 25 the constructors , the electricians , whatever .

12:53:56 1 Q. Were they building substations or
12:53:58 2 something else ?

12:53:58 3 A. Yes , building substations . Help
12:54:05 4 move transformers , big transformers , the
12:54:10 5 rigging crew , things like that .

12:54:12 6 Q. And were you away for part of the
12:54:19 7 day doing that ?

12:54:20 8 A. Probably about six and a half ,
12:54:22 9 seven hours a day , depending upon how close it
12:54:26 10 was .

12:54:26 11 Q. So in the morning , during that
12:54:28 12 period of time , would you check into the
12:54:30 13 service building in the morning ?

12:54:31 14 A. Check in the service building .

12:54:33 15 Q. And then go out to some
12:54:35 16 construction site ?

12:54:36 17 A. Go out to some area , substation ,
12:54:38 18 and work .

12:54:39 19 Q. And then come back at the end of
12:54:41 20 the day ?

12:54:41 21 A. And come back at the end of the
12:54:44 22 day , around 4:00.

12:54:44 23 Q. Then what time would you -- what
12:54:48 24 time would you get off? Around 4:00?

12:54:51 25 A. 4:30 .

12:54:53 1 Q. So you spent a little time at the
12:54:55 2 beginning of the day and at the end of the day
12:54:57 3 at the service building ?

12:54:57 4 A. Yes, sir .

12:54:58 5 Q. That was typical during that
12:54:59 6 period ?

12:55:00 7 A. I'm sorry ?

12:55:02 8 Q. Was that your typical day during
12:55:04 9 that period ?

12:55:04 10 A. Most of the time , yes . And then I
12:55:08 11 spent four hours in Wilmington , Ohio in the gas
12:55:13 12 division .

12:55:14 13 Q. When was that ?

12:55:15 14 A. Oh, geez . I don't recall . I'm
12:55:22 15 one that doesn't have a good idea of time .

12:55:25 16 Q. Okay . That's fine . Now , when you
12:55:30 17 were working in electric construction , did you
12:55:35 18 ever see a Dayton Power and Light like dump
12:55:42 19 truck parked along --

12:55:43 20 A. On the south end of the building .

12:55:45 21 Q. South end of the building ?

12:55:47 22 A. Yes, sir .

12:55:47 23 Q. Can you show me on that exhibit in
12:55:50 24 front of you where you saw it parked ? That's
12:55:53 25 Exhibit 2 , the one you're looking right at .

12:55:55 1 A. Well , if I can recall the other
12:56:00 2 names of these , but that would be -- if this --
12:56:12 3 okay . Yeah . It would be right here
12:56:14 4 (indicating).

12:56:14 5 Q. Why don't you draw a circle , maybe
12:56:17 6 just a little circle around it .

12:56:20 7 A. Okay . (Witness complies with
12:56:21 8 request.)

12:56:21 9 Q. And why don't you write in dump
12:56:24 10 truck . Or just DT . DT will do . That will
12:56:29 11 make it easier .

12:56:30 12 A. (Witness complies with request.)
12:56:34 13 I'm terrible .

12:56:35 14 Q. You're doing great . It's a work
12:56:38 15 of art .

12:56:40 16 A. Sir ?

12:56:40 17 Q. I said it's a work of art .

12:56:42 18 A. Yeah . If it gets you what you
12:56:46 19 need .

12:56:46 20 Q. Exactly . So tell me -- tell me
12:56:53 21 about the truck dump . Why was it there ?

12:56:55 22 A. The dump truck was used mostly for
12:57:02 23 material department . They would throw
12:57:10 24 cardboard , maybe pallets , wooden pallets , in
12:57:15 25 that . Now , when it was full , they took it over

12:57:22 1 to the dump .

12:57:22 2 Q. And what dump was that ?

12:57:24 3 A. South Dayton .

12:57:25 4 Q. And show me on that same exhibit

12:57:31 5 where the dump was . If you want to look at the

12:57:38 6 bigger exhibit , Exhibit 1 , yeah , why don't you

12:57:40 7 do that .

12:57:41 8 A. This right here (indicating) .

12:57:43 9 Q. Let the record reflect that the

12:57:45 10 witness is looking at Exhibit 1 . Why don't you

12:57:48 11 draw a circle where you feel the dump was .

12:57:50 12 A. Where I see -- on the big one ?

12:57:55 13 Q. In the big one . Yeah .

12:58:06 14 A. Okay . Oh , my gosh . (Witness

12:58:16 15 complies with request.)

12:58:16 16 Q. Did you show me the dump ?

12:58:18 17 A. It's right here (indicating) .

12:58:19 18 Q. The dump truck ? Is that the dump

12:58:21 19 truck or the dump ?

12:58:25 20 A. That's the dump truck

12:58:28 21 (indicating) . That's the dump (indicating) .

12:58:29 22 Q. Why don't you circle where you

12:58:32 23 just pointed to the dump .

12:58:33 24 A. You want me to circle here ?

12:58:35 25 Q. I do .

12:58:36 1 A. (Witness complies with request.)

12:58:37 2 Q. And write in dump , D U M P.

12:58:41 3 A. Yeah . I can't even write anymore .

12:58:50 4 Q. You're doing pretty well . You're

12:58:54 5 getting into Picasso range now , Bill . You're

12:59:00 6 doing fine . Do you want to rest -- relax a

12:59:04 7 little or should we keep going ?

12:59:06 8 A. Keep going . I want to get it over

12:59:08 9 with .

12:59:09 10 Q. Okay . We will do that . What are

12:59:12 11 you doing tomorrow ?

12:59:13 12 A. I have no idea . I hope I'm not

12:59:16 13 here tomorrow .

12:59:16 14 Q. Definitely not .

12:59:21 15 All right . How do you know that the

12:59:23 16 dump truck went to the dump you just identified ?

12:59:27 17 A. How do I know that ?

12:59:29 18 Q. Yeah .

12:59:29 19 A. Walking up and down the area where

12:59:37 20 the trucks were parked , they had a walkway

12:59:42 21 where you put material in your truck , where

12:59:46 22 you're going out to the job . Storeroom .

12:59:51 23 Q. Right .

12:59:52 24 A. Okay ? And you'd walk up and down .

12:59:55 25 I knew a lot of the fellows there . I know

13:00:00 1 you'd see them throwing the cardboard and crap
13:00:03 2 in the truck when you were getting ready to go
13:00:08 3 out to your job -- or my job .

13:00:11 4 Q. So when you were getting ready to
13:00:12 5 go out to your job , you observe d --

13:00:15 6 A. Yeah , I could just look in it . It
13:00:18 7 was fairly high on the sides , but mostly --
13:00:23 8 like I said , mostly cardboard . I don't know of
13:00:27 9 anything else that they would put in that .

13:00:28 10 Q. Uh-huh . And let me ask you . What
13:00:34 11 color was the dump truck ?

13:00:35 12 A. You don't want me to tell you my
13:00:38 13 version of it . It was brown .

13:00:40 14 Q. All right . I'll take it from
13:00:43 15 there . I understand . And do you know how old
13:00:47 16 the truck was ?

13:00:49 17 A. No, I don't .

13:00:49 18 Q. Okay . Now , do you know any of the
13:01:07 19 drivers that drove the dump truck ?

13:01:09 20 A. I'm sorry ?

13:01:11 21 Q. Do you know any of the drivers
13:01:12 22 that drove --

13:01:13 23 A. I do not . They were furnished by
13:01:18 24 the material department there .

13:01:19 25 Q. Now , you mentioned material

13:01:21 1 department . Have you ever heard of the stores
13:01:23 2 department ?

13:01:23 3 A. Well , yeah . Stores . Stores
13:01:28 4 department .

13:01:28 5 Q. Is that the same or is that
13:01:30 6 different than --

13:01:31 7 A. That's the same . That's the same .

13:01:34 8 Q. Do you remember who used to work
13:01:36 9 with you that works in the stores department ?

13:01:38 10 A. Oh, gosh . No, I -- Norman . The
13:01:58 11 only way I know him , they call him Jughead
13:02:01 12 normally . And , of course , he's probably gone
13:02:04 13 by now .

13:02:05 14 Q. Any other names ?

13:02:07 15 A. Not that I can recall right
13:02:17 16 offhand .

13:02:18 17 Q. Do you remember a Jim South ?

13:02:20 18 A. Jim South? I know Jim South .
13:02:22 19 He's a good boy .

13:02:23 20 Q. Yeah . He's still around , right ?

13:02:25 21 A. Yes, sir .

13:02:26 22 Q. Did he work in stores ?

13:02:27 23 A. He may have worked in stores and
13:02:31 24 then I'm not positive . I'm not saying it -- he
13:02:38 25 may have worked in stores and then went to

13:02:40 1 electric construction .

13:02:40 2 Q. Okay . Any other names come to
13:02:43 3 mind from stores ?

13:02:44 4 A. From stores ?

13:02:45 5 Q. Yeah .

13:02:53 6 A. No , not really .

13:02:54 7 Q. If you think of any while we're
13:02:57 8 talking , just volunteer . Let me know . Also ,
13:02:59 9 if you have a picture in mind of anyone who
13:03:01 10 drove that truck , the dump truck , I'd be real
13:03:04 11 interested in knowing their names , too .

13:03:09 12 Well , when that truck was moved , it
13:03:11 13 was moved while I was away from the building . And
13:03:14 14 I don't know . I'll be honest . I don't know .

13:03:17 15 Q. During the day when you were away
13:03:19 16 from the building ?

13:03:20 17 A. Yeah , when I was away from the
13:03:22 18 building .

13:03:22 19 Q. Do you know if that truck was
13:03:24 20 ever -- you mentioned that it was parked at the
13:03:26 21 south end of the dock ; is that -- it --

13:03:30 22 A. Of the dock .

13:03:30 23 Q. I guess that would be the west
13:03:32 24 dock ?

13:03:32 25 A. Yes .

13:03:33 1 Q. Do you know if it was ever parked
13:03:37 2 in -- did you ever see it parked in other
13:03:39 3 locations at the service building ?

13:03:41 4 A. If it was , I don't recall .

13:03:43 5 Q. Maybe the south -- perhaps the
13:03:46 6 south -- the south end of the east dock ? Do
13:03:48 7 you have any memory of it being parked there ?

13:03:54 8 A. No , I don't recall .

13:03:55 9 Q. Do you remember ever seeing a
13:03:57 10 dumpster at the south end of the west dock or
13:04:00 11 the south end of the east dock ?

13:04:03 12 A. Yes . And that was mostly for
13:04:05 13 metal .

13:04:05 14 Q. And where was it ? Which dock ?

13:04:07 15 A. At the west side dock , west dock .

13:04:11 16 Q. Same -- same vicinity ?

13:04:13 17 A. Same location as the dump truck .
13:04:16 18 About in that same area .

13:04:18 19 Q. And can you tell , was it mostly --
13:04:20 20 do you know the size of that dumpster ?

13:04:23 21 A. No , I can't tell you .

13:04:24 22 Q. Length of it ?

13:04:25 23 A. It wasn't a big dumpster . Most of
13:04:34 24 the time they didn't have a whole lot of metal
13:04:36 25 to throw away , I didn't think .

13:04:39 1 Q. Where did the metals come from ?

13:04:41 2 A. Used tools . Out-of- date metal ,
13:04:53 3 things like that .

13:04:54 4 Q. Where did that come from , out of
13:04:57 5 the stores kept ?

13:04:58 6 A. Well , it was probably things that
13:04:59 7 the line department brought in from a job or
13:05:02 8 something like that .

13:05:06 9 Q. And did you see that -- does that
13:05:08 10 dumpster go way back to when you first started
13:05:12 11 working at the service building ?

13:05:14 12 A. Oh, yeah , it was there when I
13:05:16 13 worked there .

13:05:16 14 Q. And do you know where the -- who
13:05:18 15 picked up the materials in the dumpster ?

13:05:22 16 A. I have no idea who picked that up .

13:05:26 17 Q. Or where it went ?

13:05:27 18 A. I don't recall who did that .

13:05:28 19 Q. Did you see any dumpsters on the
13:05:34 20 service building property ?

13:05:41 21 A. No, I don 't.

13:05:41 22 Q. Do you know where the garage was ?
13:05:49 23 Can you show me on -- well , let's look at
13:05:51 24 Exhibit 2 to begin with . Can you identify
13:05:54 25 where the garage was ? If you're having

13:06:10 1 trouble , let me know because we can get you a
13:06:13 2 better photo . Just put a G next to that so we
13:06:16 3 know what you're referring to . Let the record
13:06:18 4 reflect that he's marking the location of the
13:06:21 5 garage on Exhibit 2 .

13:06:22 6 A. I'm sorry ?

13:06:24 7 Q. I was just talking to the court
13:06:25 8 reporter . Okay . Was there a dumpster near the
13:06:28 9 garage ?

13:06:28 10 A. Honestly , I don't recall .

13:06:38 11 Q. Was there a dumpster at the end of
13:06:40 12 the east -- do you know where the east dock
13:06:42 13 was ?

13:06:42 14 A. Yes .

13:06:43 15 Q. Was there a dumpster at the south
13:06:45 16 end of the east dock ?

13:06:47 17 A. I don't recall honestly .

13:06:58 18 Q. Do you recall any other dumpsters
13:07:00 19 on the --

13:07:01 20 A. On the property ?

13:07:02 21 Q. Yeah .

13:07:02 22 A. No , I don't recall any .

13:07:04 23 Q. Now , where we left off , you were
13:07:06 24 working in electric construction . Did you --
13:07:14 25 did you continue to work in electric

13:07:17 1 construction for the rest of your time ?

13:07:18 2 A. No, sir .

13:07:19 3 Q. Where did you go after electric
13:07:22 4 construction ?

13:07:22 5 A. After I left electric
13:07:24 6 construction , I was forced to move to
13:07:27 7 Wilmington , Ohio .

13:07:28 8 Q. So you were in electric
13:07:31 9 construction until you went to Wilmington ?

13:07:33 10 A. Yes .

13:07:33 11 Q. And that was what , after
13:07:35 12 twenty-eight years at the service building ?

13:07:38 13 A. About twenty-eight years , yes .
13:07:41 14 And four years at Wilmington .

13:07:43 15 Q. Did you ever work as a blacksmith
13:08:06 16 at DP&L ?

13:08:07 17 A. Yes .

13:08:07 18 Q. Okay . We forgot to -- we hadn't
13:08:12 19 talked about that yet .

13:08:13 20 A. That was -- I'm sorry . That
13:08:16 21 was -- that was in between leaving electric
13:08:21 22 construction and going to Wilmington . That was
13:08:23 23 in between . That was three or four years .

13:08:26 24 Q. And was that right at the service
13:08:28 25 building ?

13:08:28 1 A. Yeah , right at the service
13:08:30 2 building .

13:08:30 3 Q. Did DP&L at some point move out --
13:08:42 4 stop having a blacksmith shop at the service
13:08:45 5 building ?

13:08:45 6 A. They -- they decided they wanted
13:08:53 7 that area for some office -- offices .

13:08:56 8 Q. And if you look at Exhibit 2 , that
13:09:01 9 exhibit right in front of you , Bill , Exhibit 2 ,
13:09:04 10 can you draw a little circle around where the
13:09:13 11 blacksmith office was -- a blacksmith shop was ?
13:09:16 12 I'm sorry .

13:09:17 13 A. Okay . It was -- it was right in
13:09:26 14 that corner (indicating) .

13:09:26 15 Q. Put a B in there .

13:09:28 16 A. (Witness complies with request.)

13:09:29 17 Q. So you were at the south end of
13:09:31 18 the east dock ? Is that where the blacksmith
13:09:34 19 shop was ?

13:09:35 20 A. The east side of the building .

13:09:37 21 Q. Uh-huh . Okay .

13:09:40 22 A. On the back dock . Then the back
13:09:43 23 dock , they had transformer place where they
13:09:47 24 repaired transformers in this same -- about the
13:09:50 25 same area . Then they also had a wood shop in

13:09:55 1 that same area as the blacksmith shop .

13:09:57 2 Q. So there was a wood shop and
13:10:00 3 transformer repair shop close to where you were
13:10:03 4 working as black smiths ?

13:10:04 5 A. It was actually called a
13:10:06 6 maintenance -- maintenance department .

13:10:08 7 Q. How is it that you ended up moving
13:10:15 8 from electric construction to blacksmith ?

13:10:17 9 A. Well , at the time I was getting a
13:10:20 10 little older and I wanted to get inside . And I
13:10:27 11 had a little experience -- the days it rained ,
13:10:32 12 sometimes we stayed at the building and I'd
13:10:40 13 always go back and look and watched the
13:10:42 14 blacksmith. That's how I learned .

13:10:43 15 Q. You enjoyed watching the
13:10:45 16 blacksmith ?

13:10:46 17 A. I enjoyed a whole lot . That was
13:10:48 18 one of the most rewarding jobs I ever had .

13:10:50 19 Q. Why would you say that ?

13:10:52 20 A. Why do I say that ?

13:10:54 21 Q. Yeah .

13:10:54 22 A. Because if you made a mistake , it
13:10:56 23 was your fault and not nobody else 's .

13:10:59 24 Q. I understand .

13:11:03 25 A. You understand that , too .

13:11:04 1 Q. I do . Yeah . I make a lot of
13:11:07 2 mistakes . I blame her .

13:11:12 3 A. Well , it was one of the most
13:11:14 4 enjoyable jobs I ever had .

13:11:16 5 Q. Good . How many years did you work
13:11:18 6 in the blacksmith shop ?

13:11:19 7 A. Let's see . Probably -- I'm going
13:11:25 8 to guess about three to four years .

13:11:27 9 Q. I'm just wondering , when you were
13:11:29 10 working the blacksmith shop , was DP&L still
13:11:33 11 operating that dump truck we talked about
13:11:36 12 earlier ?

13:11:36 13 A. As far as I know , yes .

13:11:39 14 Q. Did you ever see the dump truck on
13:11:47 15 the blacksmith side of the building ?

13:11:47 16 A. No .

13:11:50 17 Q. Always on the west dock ?

13:11:51 18 A. Yes .

13:11:51 19 Q. And was there any other -- did
13:11:55 20 DP&L run any other dump trucks , other than the
13:11:59 21 one you saw on the west dock ?

13:12:01 22 A. Well , the gas division did a lot
13:12:04 23 of them , but they didn't have that high of
13:12:08 24 sides , were four or five foot high , see . Now ,
13:12:11 25 the ones on the west side -- and you know those

13:12:20 1 were just normal dump trucks with front end
13:12:24 2 loaders or no kind of loader on them .

13:12:27 3 Q. Okay . So -- so just to make sure
13:12:31 4 that I have it straight , the dump truck that
13:12:33 5 was parked on the west dock had four or five
13:12:37 6 foot high sides ?

13:12:38 7 A. Yeah . They were higher side
13:12:41 8 boards on them because they hauled probably
13:12:44 9 just cardboard from material department , stores
13:12:47 10 department .

13:12:47 11 Q. Then the gas station you said had
13:12:54 12 dump trucks without the sides on both ?

13:12:58 13 A. Yeah . Normal sides on a dump
13:13:01 14 truck .

13:13:01 15 Q. Some with front -end loaders ?

13:13:03 16 A. Yes .

13:13:03 17 Q. What did the gas division put in
13:13:07 18 the -- in those dump trucks with the lower
13:13:10 19 sides ?

13:13:11 20 A. Dirt . Just dirt that they dug up
13:13:14 21 if they couldn't -- sometimes they didn't get a
13:13:18 22 hole filled up all the way or they did get it
13:13:21 23 filled up and they had excess dirt .

13:13:26 24 Q. Now , this would be dirt from when
13:13:29 25 they're out working on the --

13:13:31 1 A. On a job .

13:13:33 2 Q. On a job out on the streets
13:13:35 3 somewhere ?

13:13:36 4 A. Yeah .

13:13:36 5 Q. And what about the gas division's
13:13:40 6 trucks , dump trucks with the front -end loaders ,
13:13:43 7 what would those pick up?

13:13:44 8 A. I'm sorry ?

13:13:46 9 Q. What about the gas construction
13:13:50 10 with the dump front -end loaders , what would
13:13:54 11 those trucks pick up?

13:13:56 12 A. Dirt . Just flip back over and go
13:14:01 13 back to the bed .

13:14:01 14 Q. Was the gas division -- how many
13:14:04 15 trucks -- dump trucks did the gas division
13:14:07 16 have ?

13:14:08 17 A. Oh, I couldn't tell you .

13:14:09 18 Q. Well, let me ask you --

13:14:11 19 A. Half a dozen maybe .

13:14:13 20 Q. Half a dozen ?

13:14:14 21 A. I'm guessing at that .

13:14:15 22 Q. You're approximating ?

13:14:17 23 A. Yes . Approximate .

13:14:18 24 Q. And you observe d these trucks when
13:14:20 25 you were at the service -- I'm sorry -- the

13:14:23 1 service --

13:14:24 2 A. I observe d them .

13:14:24 3 Q. You saw them ?

13:14:25 4 A. Yes .

13:14:26 5 Q. Eyewitness . You actually saw

13:14:28 6 them ?

13:14:28 7 A. Yes . They would be backed up to

13:14:30 8 the dock or be out in the south yard where they

13:14:36 9 parked excess vehicles .

13:14:37 10 Q. Okay .

13:14:38 11 A. Okay ?

13:14:39 12 Q. Do you know how other waste from

13:14:50 13 the service building got picked up for

13:14:53 14 disposal ?

13:14:53 15 A. Not that I can recall .

13:14:59 16 Q. So far you mentioned the dump

13:15:02 17 truck on the south --

13:15:03 18 A. Well , they would -- if somebody

13:15:08 19 wanted some dirt , they'd dump it on a different

13:15:11 20 property . What they did with the excess dirt ,

13:15:16 21 I couldn't tell you all of it , no .

13:15:18 22 Q. What about office trash coming out

13:15:24 23 of the service building ? How did that get

13:15:26 24 picked up and disposed of ?

13:15:28 25 A. I have no idea about that .

13:15:29 1 Q. So you don't know what -- what the
13:15:32 2 vehicle was that picked that up?

13:15:34 3 A. I couldn't tell you for sure.

13:15:43 4 Q. What about from the blacksmith
13:15:45 5 shop, if you had anything to throw away, where
13:15:48 6 would that go?

13:15:48 7 A. Most of the time there wasn't
13:15:51 8 nothing you would throw away except the burnt
13:15:55 9 coal.

13:15:55 10 Q. What would you do with that?

13:15:56 11 A. They had a container I put it in.
13:16:00 12 Where it went, I don't know. Whether it went
13:16:03 13 over to the dump or not, I don't know.

13:16:06 14 Q. Did you pick up the container and
13:16:08 15 take it somewhere?

13:16:09 16 A. No, sir.

13:16:10 17 Q. And do you know who did that?

13:16:11 18 A. I have no idea.

13:16:13 19 Q. Somebody from maintenance,
13:16:15 20 perhaps?

13:16:15 21 A. Probably -- could have been -- we
13:16:21 22 did have a dumpster out back, too. Throw it in
13:16:25 23 the dumpster. Most of the time you didn't have
13:16:28 24 much ash left. It's pretty well burnt up.

13:16:32 25 Q. In the blacksmith shop?

13:16:34 1 A. Yes .

13:16:34 2 Q. Now , you mentioned a dumpster out
13:16:38 3 back .

13:16:39 4 A. It was outside the back of the
13:16:41 5 transformer shop .

13:16:42 6 Q. Okay . Can you show me where that
13:16:46 7 was on the --

13:16:46 8 A. Oh, God .

13:16:47 9 Q. Well, before we do that , can you
13:16:50 10 find --

13:16:50 11 A. Well , transform er shop -- I think
13:16:53 12 I might have this wrong .

13:16:54 13 Q. Yeah , I was thinking that, too .

13:16:56 14 A. And I do . Do you want to correct
13:17:01 15 it . How do I correct this ?

13:17:05 16 Q. You just cross it out if you think
13:17:07 17 that's not right . But show me first where you
13:17:10 18 think the blacksmith shop could have been .

13:17:13 19 A. Okay . I got you here on this
13:17:17 20 corner .

13:17:17 21 Q. Put a B next to that .

13:17:19 22 A. (Witness complies with request.)

13:17:19 23 And then the transform er shop was in -- was in
13:17:23 24 this area (indicating) . And the carpenter shop
13:17:26 25 was in there (indicating).

13:17:27 1 Q. All right . I'm going to ask you
13:17:29 2 to do something complicated . Put a T anywhere
13:17:32 3 you think the transformer shop is , if you can .

13:17:41 4 A. (Witness complies with request.)

13:17:42 5 Q. Put a B where you think the
13:17:44 6 blacksmith shop is and a C where you think
13:17:47 7 where the carpentry shop was .

13:17:50 8 A. (Witness complies with request.)

13:17:51 9 Q. Okay . Then cross out the old B if
13:17:54 10 you don't think that's where the blacksmith
13:17:56 11 shop is .

13:17:57 12 A. This here (indicating) ?

13:18:00 13 Q. Yes .

13:18:00 14 A. Yes , that was still part of the
13:18:03 15 stores department .

13:18:03 16 Q. Okay . We're getting ourselves
13:18:05 17 straight .

13:18:06 18 A. I'm kind of old , you know .

13:18:08 19 Q. No , you're not . You fooled me .

13:18:15 20 A. I remember some of it . I don't
13:18:16 21 remember it all .

13:18:17 22 Q. That's all right . You're doing
13:18:19 23 very well . Have you heard of the oil house ?

13:18:21 24 A. Oil house . That's the --

13:18:24 25 Q. Why don't you circle the oil house

13:18:26 1 on Exhibit 2 . And just put an OH next to it.

13:18:31 2 A. (Witness complies with request.)

13:18:37 3 Q. So now you got your bearings ,
13:18:40 4 right ?

13:18:40 5 A. I hope . But my bearings could get
13:18:45 6 all balled up . I'm not supposed to put that in
13:18:48 7 there .

13:18:49 8 Q. That's all right . That's a little
13:18:50 9 humor . It's a joke about ball bearings , if I
13:18:56 10 got it correctly .

13:18:58 11 You mentioned a dumpster outside
13:19:00 12 the transformer shop .

13:19:02 13 A. Yes .

13:19:02 14 Q. Can you show me where -- maybe
13:19:07 15 we'll use a different color . Let's use a blue
13:19:14 16 here .

13:19:16 17 MRS. FLECKENSTEIN: Pay attention .

13:19:17 18 THE WITNESS: Excuse me ?

13:19:18 19 Q. We're going to use a brown marker
13:19:20 20 this time . The same color as the dump truck .
13:19:38 21 Let the record reflect that the exhibit is
13:19:42 22 marked in brown , the location of the dumpster .
13:19:44 23 Is that right , Bill?

13:19:45 24 A. Sir ?

13:19:46 25 Q. Did you just mark the location of

13:19:49 1 the dumpster outside the transformer shop ?

13:19:51 2 A. Well , sort of .

13:19:52 3 Q. What do you mean by sort of ?

13:19:54 4 A. The transformer shop is here

13:19:56 5 (indicating) , they had a crane here

13:19:57 6 (indicating) , oil house (indicating) and a

13:19:58 7 dumpster (indicating) and then a coal bin of --

13:20:02 8 of -- up there on the dock (indicating).

13:20:03 9 Q. Is that where the coal from the

13:20:05 10 blacksmith shop went ?

13:20:06 11 A. Yes .

13:20:07 12 Q. And there's a dumpster right next

13:20:09 13 to it?

13:20:11 14 A. No. It was off of the dock .

13:20:12 15 Q. And what else -- first , what went

13:20:16 16 into that coal bin was strictly coal ?

13:20:19 17 A. Yes .

13:20:19 18 Q. And where did that get trucked off

13:20:22 19 to , do you know ?

13:20:23 20 A. Where did it get what ?

13:20:27 21 Q. Maybe I'm -- maybe I have it --

13:20:30 22 I'm assuming .

13:20:30 23 A. It was up against the wall .

13:20:33 24 Q. Did it just stay there forever or

13:20:36 25 at some point did it get emptied out is my

13:20:39 1 question ?

13:20:39 2 A. Right .

13:20:40 3 Q. We're talking about the coal bin .
13:20:41 4 At some point , did it get emptied out and taken
13:20:45 5 somewhere ?

13:20:45 6 A. That I couldn't tell you . When I
13:20:51 7 left , it was still there .

13:20:52 8 Q. Did it keep getting filled ?

13:20:54 9 A. I tried to get it to take home ,
13:20:57 10 but they wouldn't let me .

13:20:59 11 Q. What about that dumpster ? What
13:21:06 12 went in that dumpster outside the transformer
13:21:11 13 shop ?

13:21:11 14 A. Anything that they couldn't fix .

13:21:13 15 Q. When you say anything , you mean
13:21:16 16 including transformers ?

13:21:17 17 A. I'm sorry ?

13:21:18 18 Q. You mean including broken
13:21:20 19 transformers ?

13:21:20 20 A. No . No . No .

13:21:22 21 Q. Go ahead .

13:21:24 22 A. The transformers that they junked ,
13:21:28 23 there was a black gentleman and a friend of his
13:21:32 24 that picked them up on a truck . What he did
13:21:35 25 with them , I'm not positive . But I was told

13:21:38 1 that he took them out to the old Dayton Rubber .
13:21:43 2 And that's where he tore them apart for the
13:21:46 3 copper out of them . If I'm right , he dumped --
13:21:50 4 whatever oil was in them was dumped in there .

13:21:54 5 Q. Do you remember the name of the
13:21:56 6 black gentleman ?

13:21:57 7 A. No. I never knew his name .

13:21:58 8 Q. He had somebody he worked with on
13:22:01 9 that ?

13:22:01 10 A. Some other black gentleman helped
13:22:04 11 them load the junk transformers .

13:22:07 12 Q. What kind of truck did they
13:22:11 13 operate ?

13:22:11 14 A. An old Ford . Racks on the back .
13:22:15 15 Probably a ton and a half truck .

13:22:17 16 Q. How many tons was the DP&L truck
13:22:21 17 on the west -- at the bottom of the west dock ?

13:22:24 18 A. Now , run that by me again .

13:22:26 19 Q. I'm sorry .

13:22:27 20 A. I'm sorry .

13:22:28 21 Q. I'm switching back to the brown
13:22:30 22 truck that --

13:22:31 23 A. The dump truck ?

13:22:32 24 Q. Yeah . How many tons was that ?

13:22:34 25 A. How many tons was that ?

13:22:36 1 Q. Yeah .

13:22:37 2 A. Boy , I don't know .

13:22:38 3 Q. Okay . Either one . I thought you
13:22:41 4 might know the answer .

13:22:43 5 A. Just whatever a dump truck weighs ,
13:22:46 6 I guess .

13:22:46 7 Q. Sure . And so there were two black
13:22:52 8 gentlemen that ran the dump truck with the
13:22:54 9 broken transformers , right ?

13:22:55 10 A. No , that wasn't a dump truck .

13:22:57 11 Q. No , we're going back to the
13:22:59 12 transformer shop now .

13:23:01 13 A. That was probably a two ton truck .

13:23:03 14 Q. What color ?

13:23:04 15 A. Probably had about a twelve - or
13:23:07 16 fourteen -foot bed on it .

13:23:08 17 Q. Do you remember what color it was ?

13:23:12 18 A. No , I don't remember that .

13:23:13 19 Q. Do you remember how often the --

13:23:17 20 A. That I can't tell you either .

13:23:18 21 Q. You couldn't remember how many --
13:23:21 22 or how often they made runs ?

13:23:21 23 A. No .

13:23:24 24 Q. Do you know what -- did you see
13:23:26 25 them from the beginning of your time at the

13:23:29 1 service building ?

13:23:30 2 A. Yeah . Whenever I was in that area
13:23:34 3 and when I was in the blacksmith shop .

13:23:38 4 Q. You'd observe them occasionally ?

13:23:40 5 A. Yes . I'd be in and out of the
13:23:45 6 back dock there . What for , I don't know . I
13:23:52 7 may have went out there to smoke a cigarette
13:23:54 8 when I smoke d. But I don't recall everything .

13:23:57 9 Q. Sure . That's okay . Who worked in
13:24:00 10 woodworking ?

13:24:02 11 A. One of them . One I know most is
13:24:14 12 Mike Moody . He's since passed away . Bob Long .
13:24:27 13 He lived in Covington . There was another black
13:24:33 14 gentleman that worked in -- I can't think of
13:24:36 15 his name .

13:24:36 16 Q. And blacksmith , were you all by
13:24:41 17 yourself in --

13:24:42 18 A. Yeah . I worked all by myself .

13:24:45 19 Q. And you -- but you used to hang
13:24:48 20 out there when you said it was raining to
13:24:52 21 watch --

13:24:53 22 A. Well , that was when I was in
13:24:55 23 electric construction . I would go back and
13:24:57 24 watch the other blacksmith .

13:24:59 25 Q. And who was that ?

13:25:00 1 A. I can't tell you his name . He was
13:25:02 2 a -- he come out of the coal country . He did a
13:25:06 3 lot of their air hammer bits and things like
13:25:10 4 that to sharpen them . He was a good old guy
13:25:23 5 and home boy , really . It just doesn't come to
13:25:29 6 me .

13:25:29 7 Q. If it comes to you , just let me
13:25:31 8 know .

13:25:32 9 A. Okay .

13:25:32 10 Q. Now , when you were working in
13:25:34 11 blacksmith , the blacksmith shop , what were you
13:25:37 12 making or repairing and doing and for whom at
13:25:41 13 DP&L ?

13:25:42 14 A. Doing mostly the same special
13:25:52 15 tools , days that they open and close the gas
13:25:59 16 tops . Different tools that need to be fixed ,
13:26:03 17 repaired . Shovel handles . That's -- it's a
13:26:09 18 lot of things . I just don't recall all of it .

13:26:12 19 Q. Did you on occasion walk to the
13:26:22 20 transformer shop next to the blacksmith shop ?

13:26:26 21 A. I never hung out there .

13:26:27 22 Q. Never even walked through ?

13:26:29 23 A. I walked through . When you had
13:26:31 24 lunch , you had to walk by that side but most of
13:26:34 25 it was behind you when you walked through . And

13:26:37 1 the restroom was in that area , too .

13:26:39 2 Q. What about when you left for the
13:26:44 3 day or came in in the morning ? Would you have
13:26:47 4 to walk through the transformer shop ?

13:26:49 5 A. Yes .

13:26:49 6 Q. How many people would you see
13:26:57 7 working in the transform er shop ?

13:26:59 8 A. Maybe three to four . Just depend
13:27:02 9 on how busy they were . They also had a crane
13:27:09 10 bay that they did the big transformers launch ed
13:27:14 11 from sub stations and all that where they had to
13:27:18 12 do some work on them .

13:27:20 13 Q. And was that crane bay right next
13:27:24 14 to the transformer maintenance shop ?

13:27:26 15 A. Yeah . It was all one big area .

13:27:28 16 Q. So three or four people would be
13:27:30 17 there at once , would you say ?

13:27:32 18 A. Yes , but I can't -- I don't recall
13:27:37 19 all their names . And they had a paint booth in
13:27:40 20 there , too , in that same area that they painted
13:27:44 21 the transformers if they needed to paint .

13:27:46 22 Q. Sure . Do you know approximately
13:27:51 23 how many transformers they'd be working on at a
13:27:54 24 time ?

13:27:55 25 A. No , I couldn't tell you that .

13:27:56 1 Q. But sometimes big ones and
13:27:58 2 sometimes small ones ?

13:27:59 3 A. Well , the big ones , it wasn't very
13:28:03 4 often . But the small ones that were out in the
13:28:06 5 residential area , there was three to four
13:28:09 6 people working on transformers .

13:28:11 7 Q. Sure .

13:28:12 8 A. And then they had one of the
13:28:14 9 fellow s do the rest of them , make sure they
13:28:17 10 were correct .

13:28:18 11 Q. So they had a test strip after
13:28:21 12 they were repaired ?

13:28:22 13 A. Sir ?

13:28:24 14 Q. They had somebody to test them
13:28:25 15 after they were repaired ?

13:28:27 16 A. Yes . Yes . That was in the back ,
13:28:31 17 towards the back dock , just inside the back
13:28:36 18 door or the dock .

13:28:37 19 Q. Well, you mentioned that you can't
13:28:40 20 remember all their names . Do you remember any
13:28:43 21 of the names of the employees in transformers ?

13:28:49 22 A. No .

13:28:50 23 Q. If you think of any , just shout
13:28:53 24 them out .

13:28:54 25 A. I can't think of the one

13:28:56 1 gentleman 's name , the one that was a carpentry .

13:29:07 2 MR. SILVER: Are you okay ? Is it

13:29:08 3 time for a break , Nancy ?

13:29:10 4 MRS. FLECKENSTEIN: Yeah , I think so .

13:29:15 5 (Thereupon, a break was had.)

13:44:13 6 Q. Bill , I'm going to go back to that

13:44:15 7 brown dump truck that was parked at the end of

13:44:23 8 the west dock .

13:44:23 9 A. Yeah , I remember it . But I don't

13:44:26 10 know what else you're trying to get me to put

13:44:28 11 in .

13:44:29 12 Q. I'm just asking how you knew it

13:44:32 13 went across the street to the dump that you

13:44:34 14 marked ?

13:44:34 15 A. How I know that ? I mean,

13:44:38 16 sometimes you stand around when you're not real

13:44:41 17 busy and you watch things , you know . You watch

13:44:44 18 them going up South Dayton , go over -- that's

13:44:48 19 the way only I can tell you .

13:44:51 20 Q. Just from what you saw , is that

13:44:54 21 what you're saying ?

13:44:55 22 A. Huh?

13:44:58 23 Q. Just from what you saw , is that

13:44:59 24 what you're saying ?

13:45:00 25 A. Yeah .

13:45:01 1 Q. Back to the transformer shop . You
13:45:03 2 mention ed a paint booth . The paint booth in
13:45:07 3 the transformer shop ?

13:45:08 4 A. Yes .

13:45:09 5 Q. Who ran that paint booth ?

13:45:11 6 A. I cannot recall any of their
13:45:14 7 names . I didn't -- I just didn't recall their
13:45:26 8 names . That's all .

13:45:27 9 Q. That's all right . Was it the
13:45:29 10 people that work ed in the transformer shop that
13:45:32 11 also ran the paint booth ?

13:45:33 12 A. Run the what ?

13:45:36 13 Q. Did the people that you mentioned ,
13:45:38 14 the three or four people that worked in the
13:45:40 15 transformer shop --

13:45:41 16 A. Yes .

13:45:42 17 Q. -- did they also run the paint
13:45:45 18 booth in the transformer shop ?

13:45:46 19 A. No , it was a different painter .
13:45:48 20 They had a painter .

13:45:49 21 Q. Special painter ?

13:45:50 22 A. Yes . As a matter of fact , they
13:45:54 23 had two of them , but one of them retired .
13:45:57 24 Another one ended up with lead poison . I can't
13:46:02 25 think of his last name . His first name was

13:46:05 1 Tom , but I can't think of his last name .

13:46:08 2 Q. Is he still alive ?

13:46:09 3 A. I don't know .

13:46:12 4 Q. What about the one that retired ,
13:46:14 5 do you know if he's still alive ?

13:46:16 6 A. I doubt if he is . I doubt if he
13:46:18 7 is because he retired a long time after I was
13:46:21 8 still there .

13:46:21 9 Q. Do you know whether there are any
13:46:25 10 other paint booths at the DP&L service
13:46:28 11 building ?

13:46:28 12 A. In the garage .

13:46:29 13 Q. They had one in the garage ?

13:46:30 14 A. Yeah . They painted trucks .

13:46:34 15 Q. Uh-huh . Do you know if there was
13:46:38 16 a different painter who ran the one in the
13:46:41 17 garage ?

13:46:41 18 A. Uh-huh . Different painters run
13:46:45 19 both of them .

13:46:46 20 Q. There was different painters for
13:46:49 21 each one , right ?

13:46:49 22 A. Yes .

13:46:50 23 Q. Do you remember the names of the
13:46:53 24 ones -- the painters in the paint booth in the
13:46:58 25 garage ?

13:46:58 1 A. He was a big black gentleman . He
13:47:09 2 would paint a truck , and he was the only one
13:47:12 3 that was allowed to have whiskey in the whole
13:47:15 4 outfit . And he --

13:47:20 5 Q. That's all right . I'm interested
13:47:22 6 in whiskey . Come on .

13:47:28 7 A. He would take a drink , but he
13:47:31 8 never got inebriated. But he said that cuts
13:47:37 9 the pain down his throat . I mean, it helped
13:47:40 10 clear his throat from breathing the paint
13:47:42 11 fumes . Now , he did wear a mask , but you know
13:47:46 12 how masks are . They don't fit right half the
13:47:51 13 time . And that's it .

13:47:51 14 Q. You can't remember his name , can
13:47:53 15 you ?

13:47:53 16 A. Now , I can recall one of the
13:48:05 17 carpenters. Brown ell . But his first name , I
13:48:10 18 didn't know .

13:48:11 19 Q. Do you know if he's still alive ?

13:48:13 20 A. I couldn't tell you .

13:48:14 21 Q. All right . You see there , they're
13:48:19 22 coming back a little bit . So the paint booth
13:48:21 23 in the transformer shop , do you know how that
13:48:29 24 got cleaned up ?

13:48:29 25 A. I have no idea . It was probably

13:48:32 1 cleaned up after I left to go to Wilmington .

13:48:35 2 That's the only thing I know .

13:48:37 3 Q. Even on a daily basis --

13:48:40 4 A. No .

13:48:41 5 Q. -- scraped up or how about the

13:48:43 6 paint guns , did they have to be cleaned ?

13:48:44 7 A. Oh, yes .

13:48:45 8 Q. How did that happen ?

13:48:46 9 A. I have no idea . I imagine they

13:48:50 10 had some kind of paint cleaner .

13:48:52 11 Q. Right .

13:48:57 12 A. They did have a spray booth that

13:49:01 13 was water operated and when they sprayed , the

13:49:07 14 excess went in and out and it went clean

13:49:10 15 through the water .

13:49:11 16 Q. Did it go to some sort of a drum

13:49:15 17 or a tank ?

13:49:15 18 A. I'm sorry ?

13:49:15 19 Q. Did it go to some sort of a drum

13:49:17 20 or a tank?

13:49:17 21 A. I don't know where it went .

13:49:19 22 Q. Have you ever heard of a

13:49:20 23 degreaser ?

13:49:22 24 A. A degreaser ?

13:49:24 25 Q. Yeah .

13:49:25 1 A. Have I ever heard of it?

13:49:27 2 Q. Yeah .

13:49:27 3 A. Yes .

13:49:28 4 Q. Did the transformer shop have a
13:49:31 5 degreaser ?

13:49:32 6 A. I don't know . I'll be honest , I
13:49:35 7 don't know .

13:49:35 8 Q. How about a dip tank ?

13:49:37 9 A. A dip tank ?

13:49:40 10 Q. Yeah .

13:49:47 11 A. I don't -- I don't recall that .

13:49:49 12 Q. Do you know if the garage had a
13:49:52 13 Steam Jenny?

13:49:52 14 A. A who? Steam Jenny? It did . It
13:49:56 15 didn't work half the time , I think .

13:49:58 16 Q. How did you know about the Steam
13:50:00 17 Jenny?

13:50:00 18 A. Just walking through the garage ,
13:50:03 19 you'd see it sitting there . That's all I know .

13:50:05 20 Q. What did it look like ?

13:50:07 21 A. Oh, God . That I don't recall .

13:50:11 22 Q. Do you remember who operated it?

13:50:14 23 A. Probably one of the mechanics , I
13:50:17 24 guess .

13:50:17 25 Q. Do you know what it was used for ?

13:50:22 1 A. Huh ?

13:50:24 2 Q. Do you know what it was used for ?

13:50:26 3 A. Could be for steaming engines . It
13:50:29 4 could be used for a lot of things .

13:50:31 5 Q. You just knew one was there ,
13:50:32 6 right ?

13:50:33 7 A. Yes . They could have used it to
13:50:36 8 cut mud off equipment , I guess .

13:50:39 9 Q. Do you remember any of the names
13:50:45 10 of the mechanics in the garage ?

13:50:46 11 A. You know , I can see their faces ,
13:51:00 12 but I can't recall their names .

13:51:02 13 Q. I know that feeling . Are you
13:51:25 14 thinking about it ?

13:51:26 15 A. Sir ?

13:51:27 16 Q. Are you thinking about those
13:51:28 17 mechanics ?

13:51:28 18 A. Yeah . I'm thinking , but I'm --
13:51:31 19 it's not coming . It's not coming back to me .

13:51:34 20 Q. Okay . I'm going to ask you about
13:51:46 21 the oil house . Do we have a photo? What
13:51:55 22 happened to the oil ?

13:51:55 23 A. The oil that came from the
13:51:58 24 transformers , big and small was -- they
13:52:04 25 reclaimed the oil .

13:52:05 1 Q. Filtered it? They filtered it?

13:52:11 2 A. Yes .

13:52:11 3 Q. How did they filter it?

13:52:13 4 A. With some kind of a machine they
13:52:16 5 have .

13:52:16 6 Q. Did they use sand?

13:52:18 7 A. Sir?

13:52:19 8 Q. Did they use sand to filter it?

13:52:21 9 A. No . No . It was more like a felt
13:52:31 10 paper . It was about yeah wide (indicating) .

13:52:32 11 It was run through a machine of all these

13:52:35 12 filters about that wide (indicating) and then

13:52:38 13 they had other ways . They had ways to test the

13:52:44 14 oil for different things , for water or anything

13:52:47 15 like that , I guess .

13:52:48 16 Q. Did you observe this process from
13:52:56 17 time to time ?

13:52:57 18 A. I'm sorry ?

13:52:57 19 Q. Did you observe this process from
13:52:59 20 time to time?

13:52:59 21 A. No , I never did .

13:53:00 22 Q. How did you know about the
13:53:01 23 filters ?

13:53:02 24 A. We also used a filter machine in
13:53:05 25 electric construction for the big transformers .

13:53:08 1 Q. Oh, you filtered your own
13:53:10 2 transformer oil?

13:53:10 3 A. Yes.

13:53:11 4 Q. When you say you did it in
13:53:13 5 electric construction, where was that on the --
13:53:15 6 was that at the service building?

13:53:17 7 A. In the substation mostly.

13:53:18 8 Q. Oh, okay.

13:53:20 9 A. They would put a -- it's a hard
13:53:29 10 thing to describe. They would have one back in
13:53:31 11 transformers that they could get out, off a
13:53:34 12 line, they would be working, change the
13:53:41 13 bushings, and while they were doing that, they
13:53:43 14 took the oil through this filter and run it
13:53:46 15 back in. They just filtered all the oil back
13:53:48 16 into the transformer.

13:53:49 17 Q. And they did that in the oil
13:53:51 18 house?

13:53:51 19 A. No, it was done on the job.

13:53:52 20 Q. At the substations?

13:53:53 21 A. Yes.

13:53:54 22 Q. The oil house --

13:53:56 23 A. They also did it in oil house.

13:53:58 24 Q. So have you heard the term
13:54:02 25 fuller's earth?

13:54:03 1 A. Huh ?

13:54:04 2 Q. Fuller 's earth ? F U L L E R.

13:54:07 3 A. Yeah , I know what fuller 's earth
13:54:09 4 is . Now , if they had had a spill , they used
13:54:17 5 that .

13:54:17 6 Q. To clean up the spill ?

13:54:20 7 A. Yeah . Clean up the spill with
13:54:24 8 fuller 's earth . The garage used that mostly .

13:54:26 9 Q. What did they do with the fuller 's
13:54:30 10 earth after they soaked up the spill ?

13:54:32 11 A. They bagged it . Where it went ,
13:54:35 12 I'm not sure . I don't know .

13:54:36 13 Q. Do you know whether they used
13:54:38 14 fuller 's earth in the oil house ?

13:54:42 15 A. Huh ?

13:54:44 16 Q. Do you know whether they used
13:54:45 17 fuller 's earth in the oil house ?

13:54:48 18 A. I imagine they did . I'm not sure .

13:54:50 19 Q. Do you know what they did with the
13:54:52 20 used filters in the oil house ?

13:54:53 21 A. Put them in bags .

13:54:55 22 Q. And then did what ?

13:54:56 23 A. Disposed of them . Where , I don't
13:54:59 24 know .

13:54:59 25 Q. Take a look at what we've marked

13:55:03 1 as your Exhibit Number 3. And I'm wondering if
13:55:09 2 you recognize that rectangular building in the
13:55:13 3 center of the photograph .

13:55:14 4 A. Yeah , that's -- I believe that's
13:55:37 5 the oil house .

13:55:37 6 Q. Do you see there's a window on the
13:55:42 7 oil house there ? Do you see that window ?

13:55:45 8 A. Yes .

13:55:45 9 Q. Do you see below the window to
13:55:48 10 the -- you're looking at -- to the right .

13:55:50 11 There's a couple of -- it looks like metal

13:55:56 12 port als. I can come around and show you what

13:56:01 13 I'm talking about . Right on the building wall

13:56:03 14 there , sort of down near the bottom to the

13:56:06 15 right of the window .

13:56:07 16 A. I couldn't tell you what --

13:56:08 17 Q. I'm sorry , that would not be --
13:56:10 18 left of the window .

13:56:10 19 A. I couldn't tell you what that is .

13:56:12 20 Q. You don't know what those are ?

13:56:14 21 A. I couldn't tell you .

13:56:16 22 Q. Do you know whether there was a
13:56:17 23 clean -out at the oil house ?

13:56:19 24 A. The only thing I can tell you
13:56:21 25 about the oil house now is I know that they

13:56:24 1 filtered oil there . That's all I can tell you .

13:56:27 2 Q. Uh-huh .

13:56:31 3 A. And they had an old gentleman --

13:56:34 4 he's dead now -- but the old gentleman stayed

13:56:38 5 in the oil house . That was part of his job , to

13:56:41 6 look it over and make sure everything was

13:56:43 7 moving .

13:56:44 8 Q. You don't remember his name ?

13:56:44 9 A. No.

13:56:47 10 Q. Did they -- was there one -- was

13:56:50 11 he there the entire time you were there at the

13:56:53 12 service building , the old gentleman ?

13:56:56 13 A. I don't understand your question .

13:56:57 14 Q. I guess I'm wondering if anyone

13:57:00 15 else had that job after him in the oil house,

13:57:05 16 the old gentleman ?

13:57:07 17 A. If they did , it was on and off .

13:57:10 18 Q. Uh-huh .

13:57:12 19 A. But who replaced him , I can't tell

13:57:15 20 you .

13:57:15 21 Q. Okay . All right . And that man

13:57:17 22 was there when you started , when --

13:57:19 23 A. He was there when I started and he

13:57:22 24 retired before I did .

13:57:24 25 Q. Uh-huh .

13:57:33 1 A. If that helps a little .

13:57:34 2 Q. That helps a little . A few more
13:57:36 3 questions . We're getting close to the end .

13:57:38 4 A. Oh, good . Happy new year . Let me
13:57:46 5 wet my whistle here .

13:57:56 6 (Thereupon, an off-the-record
13:57:56 7 discussion was had.)

13:58:17 8 THE WITNESS: I do worry some . I
13:58:18 9 want to be as exact as I can be . I love my
13:58:21 10 company , don't get me wrong .

13:58:23 11 Q. I got it . Okay . I appreciate
13:58:26 12 that . Thanks . All right . I want to ask you
13:58:31 13 about the gas meter and measurement shop .

13:58:34 14 A. Gas meter shop .

13:58:34 15 Q. Yeah .

13:58:47 16 A. One of them boys is still living .

13:58:48 17 Q. Who would that be?

13:58:49 18 A. But I couldn't tell you his name .
13:58:52 19 And she -- she saw him at a luncheon here a
13:58:56 20 while back .

13:58:57 21 Q. Who saw him? Your wife?

13:58:59 22 A. Yes .

13:59:00 23 Q. Was it Jenkins ?

13:59:03 24 A. I try to go to all the luncheons
13:59:06 25 for retirees .

13:59:08 1 Q. Was it Jenkins ?

13:59:10 2 A. I couldn't hear him .

13:59:14 3 MRS. FLECKENSTEIN: Jenkins .

13:59:15 4 THE WITNESS: Jenkins ?

13:59:17 5 MRS. FLECKENSTEIN: Uh-huh . I saw

13:59:18 6 him ?

13:59:20 7 THE WITNESS: Huh ?

13:59:21 8 MRS. FLECKENSTEIN: I saw him at the

13:59:22 9 luncheon ?

13:59:23 10 THE WITNESS: No, it wasn't Jenkins ,

13:59:24 11 though . I don't know who it was .

13:59:26 12 Q. If it comes to you , let me know .

13:59:29 13 Okay ?

13:59:30 14 A. Okay .

13:59:31 15 Q. So you remember the gas meter and

13:59:34 16 measurement shop , right ?

13:59:35 17 A. Gas meter shop .

13:59:36 18 Q. Yeah . Was that near the

13:59:40 19 blacksmith shop ?

13:59:40 20 A. No . That was on the other side .

13:59:42 21 Q. That was only on the --

13:59:44 22 A. That was on the west side of the

13:59:45 23 building .

13:59:46 24 Q. Did it move at one point from --

13:59:48 25 A. West side meter shop and electric

13:59:51 1 construction and stores department .

13:59:53 2 Q. So it was somewhere along the west
13:59:57 3 dock , right ?

13:59:57 4 A. Yes .

13:59:58 5 Q. Did you ever go in there?

14:00:00 6 A. Did I ever go in there ?

14:00:02 7 Q. Gas meter .

14:00:05 8 A. Well , they had -- they had moved
14:00:09 9 that out . And what they did with it , they
14:00:18 10 abandoned that .

14:00:25 11 Q. Do you remember what they did with
14:00:26 12 it? Did they move it to another location at
14:00:29 13 the service building ?

14:00:29 14 A. I don't know whether they did or
14:00:31 15 not . See , that's in a period of time when I
14:00:36 16 had to leave from Dayton to Wilmington , and I
14:00:45 17 don't know what happened with the shop , whether
14:00:53 18 they decided to quit repairing them or what . I
14:00:56 19 don't know .

14:00:57 20 Q. But before that , when you were
14:00:58 21 still at Dayton , before you went to Wilmington ,
14:01:02 22 the shop was there on the west -- west dock ?

14:01:05 23 A. West dock .

14:01:06 24 Q. And did you ever have a -- did you
14:01:18 25 ever have the opportunity to visit the gas

14:01:20 1 meter shop ?

14:01:21 2 A. Oh, yeah . When they abandoned --

14:01:25 3 I shouldn't -- when they abandoned that shop ,

14:01:29 4 they had an anvil and the construction people

14:01:35 5 didn't know what to do with it .

14:01:36 6 Q. With the anvil ?

14:01:37 7 A. And I ended up with the anvil .

14:01:39 8 Q. In the blacksmith shop ?

14:01:41 9 A. No . No . From electric meter

14:01:44 10 shop -- or gas meter shop . Now , the other

14:01:47 11 stuff --

14:01:47 12 Q. Did you bring it home ?

14:01:48 13 A. Oh, yeah . Sure .

14:01:50 14 Q. So you've got that anvil at home ?

14:01:53 15 A. No . I don't have it anymore .

14:01:54 16 Q. Well, back when the gas meter shop

14:02:04 17 was on the west dock , do you remember the gas

14:02:06 18 meter shop having a paint booth ?

14:02:08 19 A. No, I don't know if they did or

14:02:09 20 not .

14:02:10 21 Q. How about a degreaser ?

14:02:11 22 A. No , I couldn't tell you either . I

14:02:14 23 just knew faces . When I'd walk by, they were

14:02:19 24 working on them .

14:02:20 25 Q. Okay . And what about the gas

14:02:23 1 operations regulator shop? Do you remember

14:02:25 2 that? Gas operations regulator shop.

14:02:29 3 A. That was ahead of the gas meter

14:02:37 4 shop. That was just on the west side, but it

14:02:39 5 was the beginning of the whole west dock, was

14:02:42 6 in that little area there they had a meter

14:02:45 7 shop. But now -- or a shop.

14:02:49 8 Q. Regulator shop?

14:02:51 9 A. I think they worked on the

14:02:53 10 regulators, the big regulators. But I can't

14:02:59 11 swear to that either.

14:03:00 12 Q. Ever been inside that regulator

14:03:02 13 shop?

14:03:02 14 A. Walk through it.

14:03:04 15 Q. Do you remember seeing --

14:03:05 16 A. Just walking from the corridor

14:03:10 17 down and cut through there.

14:03:11 18 Q. Do you remember seeing any paint

14:03:13 19 booth in there?

14:03:14 20 A. No, I don't.

14:03:15 21 Q. Or degreaser?

14:03:16 22 A. Not that I can recall.

14:03:33 23 MR. SILVER: I'm going to take five

14:03:35 24 minutes and see if there's any more questions and

14:03:37 25 then shut it down.

14:03:38 1 (Thereupon, a break was had.)

14:08:39 2 Q. All right . Bill , we're in the
14:08:41 3 homestretch . I just want to ask you a few
14:08:44 4 questions .

14:08:45 5 You mentioned a couple names while we
14:08:47 6 were off the record . A Jim Elliott working in the
14:08:51 7 garage .

14:08:51 8 A. He worked as a mechanic and then
14:08:55 9 he become foreman .

14:08:57 10 Q. Do you know if he's still alive ?

14:08:59 11 A. I doubt it . I would doubt it .

14:09:02 12 Q. But you don't know one way or
14:09:05 13 another ?

14:09:05 14 A. No . The one I'm trying to think
14:09:08 15 of , I know he's gone . And I can -- I should
14:09:15 16 know him . The reason I should know him , his
14:09:20 17 wife used to buy chicken s off of my dad .

14:09:22 18 Q. That's all right . Especially if
14:09:24 19 he's deceased . It probably isn't going to help
14:09:27 20 us that much anyhow .

14:09:32 21 A. No , I doubt it .

14:09:32 22 Q. You mentioned Bill the painter .
14:09:35 23 You can't remember his last name ?

14:09:36 24 A. I can't remember .

14:09:37 25 Q. Was that somebody in the

14:09:38 1 transformer shop or --

14:09:40 2 A. No. No. He was in the garage

14:09:43 3 truck -- he painted the trucks and cars.

14:09:45 4 Q. Yeah.

14:09:46 5 A. They had their own body shop.

14:09:49 6 Q. Was he the one with the whiskey?

14:09:51 7 A. Yes.

14:09:52 8 Q. All right.

14:09:55 9 A. Now, he'd only take a little drink
14:09:59 10 because I watched him. So I know it. He was a
14:10:04 11 wonderful man. He was a good man.

14:10:07 12 Q. You kept your eye on him?

14:10:09 13 A. No, I didn't keep my eye on him.
14:10:12 14 Some people you can be friends with and some
14:10:14 15 you can't. Okay?

14:10:16 16 Q. Yep.

14:10:17 17 A. And you -- let's see. How do I
14:10:20 18 put this? You relate to them some way. There
14:10:24 19 was a gentleman that worked -- that boarded
14:10:28 20 with my father. I can't tell you his name
14:10:32 21 either. But --

14:10:34 22 Q. And then you mentioned a fellow
14:10:35 23 that came over from Vandrum in Trotwood to work
14:10:40 24 on the Ford trucks? Is that Bill the painter
14:10:44 25 or somebody else?

14:10:45 1 A. Bill the painter , and the other
14:10:47 2 one was a painter .

14:10:48 3 Q. And that was Jim Elliott ?

14:10:50 4 A. Jim Elliott .

14:10:53 5 MR. SILVER: Okay . I don't have any
14:10:55 6 more questions . All right , Bill . You've done
14:10:59 7 great . I've enjoyed talking to you . And I'm
14:11:02 8 going to see if --

14:11:03 9 THE WITNESS: Well , when you're
14:11:05 10 eighty -two years old and live in the same area ,
14:11:08 11 you remember a lot of things .

14:11:10 12 MR. SILVER: I understand .

14:11:13 13 THE WITNESS: Fun things , both .

14:11:14 14 MR. SILVER: I'm going to pass --
14:11:16 15 pass the baton over to Frank Merrill , the attorney
14:11:20 16 who represents DP&L , to see if he has any
14:11:23 17 questions .

14:11:23 18 CROSS-EXAMINATION

14:11:41 19 BY MR. MERRILL:

14:11:41 20 Q. Good after noon , Mr. Fleckenstein .

14:11:45 21 My name is Frank Merrill , and I represent The
14:11:49 22 Dayton Power and Light C ompany . I'm going to
14:11:51 23 ask you a couple questions along the lines that
14:11:53 24 Mr. Silver just asked you .

14:11:56 25 First of all , I'd like to

14:11:57 1 apologize for requiring your attendance here

14:12:01 2 today that --

14:12:03 3 A. No, that's -- whatever has to be,
14:12:06 4 has to be.

14:12:07 5 Q. Okay. I'm glad that you
14:12:10 6 understood that and that this is not being done
14:12:14 7 at the behest of Dayton Power and Light
14:12:17 8 Company, that we did not ask for your
14:12:20 9 deposition. We're here just like you because
14:12:23 10 we've been asked to be here.

14:12:25 11 A. Okay.

14:12:25 12 Q. You indicated in one of the
14:12:32 13 exhibit s, I believe, maybe in Exhibit 1, the
14:12:38 14 large aerial photo the general location of what
14:12:42 15 you called the dump?

14:12:43 16 A. The dump.

14:12:44 17 Q. Yeah. Do you recall that,
14:12:46 18 Mr. Fleckenstein?

14:12:47 19 A. It's in this area here
14:12:50 20 (indicating), I do believe if this is the river
14:12:53 21 running behind it. I think. I don't know what
14:12:56 22 they call the river, but --

14:12:58 23 Q. And this is the dump that's across
14:13:00 24 the street from the DP&L service center?

14:13:04 25 A. Yes.

14:13:04 1 Q. Were you ever at this dump ?

14:13:09 2 A. Was I ever at it? Not that I can
14:13:12 3 recall .

14:13:14 4 MR. MERRILL: I have no further
14:13:14 5 questions .

14:13:16 6 THE WITNESS: Is that it?

14:13:17 7 MR. MERRILL: That 's it .

14:13:18 8 THE WITNESS: Thank you .

14:13:19 9 MR. SILVER: We're going to see if
14:13:20 10 anyone else has any questions , Bill. I don't
14:13:23 11 think so , but we got to go around the room and
14:13:25 12 have a chance to say no .

14:13:27 13 THE WITNESS: Okay . That's fine .

14:13:29 14 MR. SILVER: Anybody else ?

14:13:30 15 MS. SMARDA: I have no questions on
14:13:31 16 behalf of Cox Media Group .

14:13:34 17 MR. SILVER: And what about on the
14:13:35 18 phone ?

14:13:36 19 MR. WINELAND: No questions on behalf
14:13:38 20 of the Sherwin -Williams Company .

14:13:41 21 MS. BAIRD: No questions on behalf of
14:13:43 22 Pharmacia, LLC .

14:13:44 23 MR. NES: No questions for
14:13:48 24 P-Americas .

14:13:48 25 MR. HARBECK: No questions for Waste

14:13:50 1 Management of Ohio .

14:13:53 2 MR. SILVER: All right . I think

14:13:54 3 that's no questions for Fickert Devro and Dayton

14:13:59 4 Industrial Drum . Anybody else ? All right . I

14:14:02 5 think we're done , Bill . You're free to go . It's

14:14:05 6 new year 's .

14:14:08 7 (Thereupon, an off-the-record

14:14:08 8 discussion was had.)

14:14:08 9 (Thereupon, signature was waived.)

14:14:08 10 (The reupon, the deposition was

14:14:08 11 concluded at 2:14 p.m.)

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1 STATE OF OHIO)

2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3 I, Michelle A. Elam, a Notary

4 Public within and for the State of Ohio, duly
5 commissioned and qualified,

6 DO HEREBY CERTIFY that the
7 above-named WILLIAM FLECKENSTEIN, was by me first
8 duly sworn to testify the truth, the whole truth
9 and nothing but the truth.

10 Said testimony was reduced to
11 writing by me stenographically in the presence
12 of the witness and thereafter reduced to
13 typewriting.

14 I FURTHER CERTIFY that I am not a
15 relative or Attorney of either party, in any
16 manner interested in the event of this action,
17 nor am I, or the court reporting firm with which
18 I am affiliated, under a contract as defined in
19 Civil Rule 28(D).

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1 IN WITNESS WHEREOF, I have hereunto set
2 my hand and seal of office at Dayton, Ohio, on
3 this _____ day of _____, 2013.

4
5
6 _____
MICHELLE A. ELAM
7 NOTARY PUBLIC, STATE OF OHIO
My commission expires 5-2-2015
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